

United States Senate
WASHINGTON, DC 20510

September 30, 2019

The Honorable Lindsey Graham
Chairman
U.S. Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Graham:

We are following up on our request for an immediate investigation and hearings on serious allegations of misconduct by President Trump. Last week, Congress obtained copies of the White House memorandum of President Trump's July 25 call with Ukraine President Volodymyr Zelensky, a whistleblower complaint related to that call, and Inspector General Michael Atkinson's August 26 report on the whistleblower complaint. Those documents raise additional concerns that the White House has known about and, potentially aided by top officials at the Department of Justice, may have taken steps to conceal presidential misconduct.

On the heels of these revelations, the President told a roomful of foreign service officers:

"Who's the person who gave the whistleblower the information? Because that's close to a spy. You know what we used to do in the old days when we were smart? Right? The spies and treason, we used to handle it a little differently than we do now."

This Committee should not sit idly by as the President threatens potential witnesses, whose testimony may be crucial to congressional investigations into credible allegations against him.

We therefore ask that you convene hearings immediately with, among others, the following officials:

Attorney General William Barr – In his July 25 call with President Zelensky, President Trump identified Attorney General Barr as a key intermediary. The Committee should determine the full extent of the

Attorney General's involvement with Ukraine and matters related to the whistleblower's complaint.

Assistant Attorney General Brian Benczkowski – Upon receiving the whistleblower's complaint, Inspector General Atkinson referred it to the Department of Justice for investigation. The Department declined to investigate. It has been reported that Mr. Benczkowski, as head of the Department's Criminal Division, played a role in that decision.

Assistant Attorney General Steven Engel – On September 24, Engel – the head of the Office of Legal Counsel (OLC) – issued an opinion excusing the Acting Director of National Intelligence from transmitting the whistleblower complaint to congressional intelligence committees. The Committee should question Mr. Engel about this guidance and, more broadly, his dealings with the White House regarding the July 25 call.

Assistant Attorney General John Demers – According to press reports, Mr. Demers – the head of the Justice Department's National Security Division (NSD) – was alerted to the existence of the whistleblower complaint on August 14. The Committee should determine what role Mr. Demers played in the Trump administration's response to the whistleblower complaint, including the decision not to forward the complaint to congressional intelligence committees.

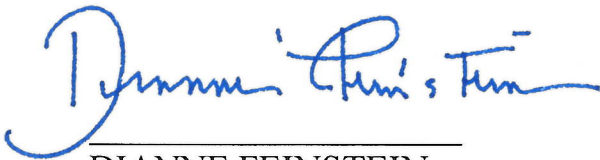
White House Counsel Pat Cipollone – Chairman Grassley and Ranking Member Feinstein sent the White House a letter on April 27, 2018, asking for copies of White House non-disclosure agreements. The concern underlying that letter – that NDAs might be used to prevent White House employees from reporting wrongdoing to Congress – is now heightened. The Committee should obtain the requested information on NDAs and determine whether the White House is using NDAs, or any other measures (including possible misuse of national security classification), to conceal presidential misconduct.

Inspectors General Atkinson and Horowitz – Upon receiving the whistleblower's complaint, Inspector General Atkinson conducted a preliminary review of the complaint. This included an assessment of the whistleblower's credibility and access to relevant information; IG Atkinson also requested that the White House preserve relevant records. Among other things, the Committee should determine the impact of the Justice Department's OLC opinion on the Inspector General's investigation and

what steps should be taken to ensure evidence is preserved and witnesses protected. The Committee should also determine what, if any, steps Inspector General Michael Horowitz has taken regarding the whistleblower complaint, as the Justice Department's Inspector General and Chair of the Council of the Inspectors General on Integrity and Efficiency.

This Committee has an important leadership role to play in ensuring that witnesses are protected and evidence preserved as Congress investigates these allegations.

Sincerely,



DIANNE FEINSTEIN
Ranking Member



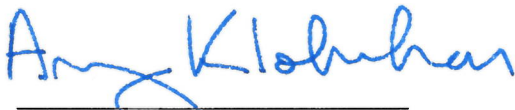
PATRICK LEAHY
United States Senator



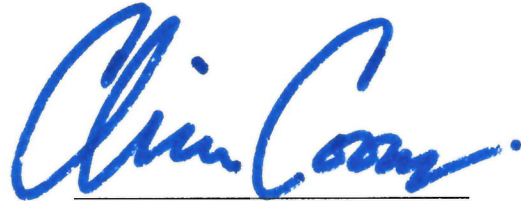
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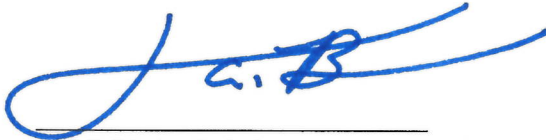
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